

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

AUGUST IMAGE, LLC and MARK  
SELIGER,

Plaintiffs,

v.

GIRARD ENTERTAINMENT & MEDIA  
LLC and KEITH GIRARD,

Defendants.

Case No. 23-CV-1492 (VEC)

**DECLARATION OF ELEANOR M. LACKMAN**

ELEANOR M. LACKMAN declares as follows:

1. Through my professional corporation, I am a Partner in the law firm of Mitchell, Silberberg & Knupp LLP, counsel for defendants in the above-captioned action. I submit this declaration in support of defendants' Motion for Judgment on the Pleadings.

2. Attached hereto as Exhibit A is a true and correct copy of a record from the United States Copyright Office's online public catalog of registrations from 1978 through the present. As the pleadings in this action do not provide a registration number, I used the information in the pleadings that plaintiff used to describe the work. I prepared the exhibit on September 4, 2023 by searching for works by Seliger, sorting by date of publication to identify images first published in 1995, finding the record that referenced *Friends* and *Rolling Stone*, and printing to PDF. There was no other work that I saw which might have fit the description in the operative Complaint. Accordingly, if the work is in fact registered with the U.S. Copyright Office, Exhibit A reflects the registration information.

3. Attached hereto as Exhibit B is a true and correct copy of a printout of the results from running a search using Westlaw's "Advanced Search: Dockets" tool, accessible at

Westlaw.com. The criteria our firm's librarian used to generate the results were: (1) "Mark /2 Seliger" for Participant Name, (2) "Key Nature of Suit (KNOS)" set as "Intellectual Property > Copyright (NOS 820)," and (3) results were sorted by date filed in reverse-chronological order, with two matters involving Mr. Seliger as defendant (entries 30 and 31) removed. With the exception of this action and an action filed 24 years ago, Seliger is the sole plaintiff in all cases.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: New York, New York  
September 8, 2023



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ELEANOR M. LACKMAN